

Minutes of the Wednesday, July 29, 2015 meeting of the New Jersey Department of Environmental Protection (DEP) Radiologic Technology Board of Examiners (Board) which convened at the Radiation and Nuclear Energy Element's Dr. Bruce Wilcomb Memorial Conference Room.

Present: April Dixon, R.T. (R), Chairperson
Catherine Boos, D.M.D
Paul Cooper
Jennie Lichtenberger, R.T.(R)(T)
Donald Manger, D.P.M.
Paul Orlando
Julie Timins, M.D.
Wesley Van Pelt, Ph.D.

Absent: Donald Denny, M.D. Vice Chairperson
Mary Moore, DABR

Vacancy: One hospital administrator
One public member
One physician
One radiologist
One radiologic technologist

Also Present: Arthur Robinson, Bureau of X-ray Compliance
Albert Orlandi, Bureau Staff and Board Secretary
Jacobine Dru, DAG

Guests: Darilyn Warner, RT(R), Essex County College
MaryEllen Carpenter, RT(R), Essex County College
Suzanne Novy, RT(R), CarePoint Health
Greg Seery, R.T.(R), CarePoint Health
Terri Levitsky, R.T.(R), St. Francis Medical Center
Deborah Greer, RT(R), JFK Medical Center
Frank A. Preston, Advantage Career Institute
Laura DiCola, American Institute
Randi Titmas, American Institute
Margaret Ganley, American Institute
Ronda Rogers, Everest Institute
Cynthia Zamora, Everest Institute
Robert Butterworth, Everest Institute
Maria Cornman
David Rivera
Reynaldo Rivera
Eileen Maloney, RT(R)
Mary DiStefano

1. Call to Order

Ms. Dixon called the meeting of the Board to order at 9:40 a.m. Ms. Dixon announced that notice of the meeting was provided to the Secretary of State, designated personnel in the DEP and three newspapers. Additionally, a notice of this meeting was sent to all radiologic technology educational programs and individuals having business at this meeting and was published on the Radiation Protection and Release Prevention Element's website. Ms. Dixon also outlined the format for public discussion and comments.

2. Review of May 7, 2015 Meeting Minutes

A motion was made by Dr. Timins and seconded by Dr. Van Pelt to approve the meeting minutes as written. This motion was approved by a majority vote of 7 in favor, 0 opposed and 1 abstention (Dr. Manger).

3. Chairperson's Report

Ms. Eileen Maloney and Ms. Mary DiStanfano joined the meeting via telephone. Ms. Dixon read and signed a "Resolution of "Distinguished Service" and "Certificate of Appreciation" in recognition of Ms. Maloney's 26 years of service on the Board. Ms. Maloney, who resigned from the Board at the May 2015 meeting, thanked the Board for this honor.

4. Program Evaluation Committee Report

The following issues were presented to the Board by the Program Evaluation Committee. Below is a summary of the Board's action on each issue. Details regarding each issue are contained in the Committee's report. This report is saved as avo-9462.

a. CarePoint Health (CarePoint) - School of Diagnostic Radiologic Technology - Teach-out Plan:

The Board was provided an update relating to CarePoint's Class of 2017 teach-out plan and recommended approval of the plan. This recommendation was unanimously approved.

b. CarePoint Health (CarePoint) - School of Diagnostic Radiologic Technology - Request for Relief from the Board's Competency Based Clinical Education (CBCE) Standard:

CarePoint submitted a request for relief from the requirements of Section IV.1(c) and 2(c) and Section V.7 of the Board's CBCE Standard as summarized in the Committee's report. Although not opposed to modifying the Standard, the Committee did not agree with CarePoint's requested modification. As a result, the Committee recommended that: (1) CarePoint's request be denied and (2) Section IV.1(c) of the Standard be removed so that all Board approved schools would be provided with greater flexibility in meeting the Board's CBCE requirements. Ms.

Novy, RT(R) was present and stated that the removal of this section would satisfy the school's concern. Representatives from other schools of diagnostic radiologic technology who were present expressed no concern regarding the recommended change to the Standard. These recommendations were unanimously approved.

A motion was made by Dr. Timins and seconded by Mr. Cooper to revise the Board's CBCE Standard to remove Section IV.1(c). This motion was unanimously approved.

c. New Jersey School of Dental Assisting (NJSDA) - School of Dental Radiologic Technology - Teach- out Plan:

NJSDA will close its school after the last enrolled class completes the program on August 31, 2015. The Committee shared with the Board NJSDA's teach-out plan. The Committee recommended approval of this plan. This recommendation was unanimously approved.

d. Everest Institute – School of Dental Radiologic Technology – New School Application

The Committee reported that Everest Institute's application to teach dental radiography as part of its 33 week dental assisting program was complete and compliant with the Board's accreditation Standards. The Committee recommended that provisional approval be awarded with a class capacity of 15 students. The Board will reconsider the school's approval status, after a Bureau inspection is performed and the results are presented to the Board. This recommendation was unanimously approved. Mr. Robert Butterworth was present and thanked the Board for its consideration and the Board's staff for its assistance during the application process.

e. Proposed Change to the Board's Program Performance Standard:

History:

At the Board's May 2015 meeting, the Committee discussed the differences among the Board's program performance standards for schools of dental radiologic technology and for schools of diagnostic radiologic technology and radiation therapy technology. The Committee stated that all schools, independent of the type of school, should be held to the same standard. One standard would create fairness and consistency in Board actions among different license categories. Since the standard for schools of diagnostic radiologic technology and radiation therapy technology requiring the first-time passing percentage not be below 75% has been adopted by the JRCERT, the Committee felt that the standard for schools of dental radiologic technology should be modified to reflect the standard used for schools of diagnostic radiologic technology and radiation therapy technology. The Board approved the Committee's recommendation to survey schools of dental radiologic technology to obtain their input and comments.

Update:

A memorandum was mailed to all schools of dental radiologic technology on May 14, 2015. Schools were asked to submit comments and any other indicators that could be used to measure program success by June 15, 2015. The Committee reported that only one school expressed concern regarding the proposed change. The Committee recommended the following revision to Section XII.C of the Board's accreditation standards for schools of dental radiologic technology: No school of dental radiologic technology shall have a first-time passing percentage lower than 75% on DANB's Radiation Health and Safety Examination for more than two consecutive years. Mean score will not be used in determining compliance with this Standard. It was further recommended that the new Standard go into effect with first-time examinations taken on January 1, 2015 and thereafter. Representatives from schools of dental radiologic technology who were present expressed no concerns regarding this change. These recommendations were unanimously approved.

A motion was made by Dr. Timins and seconded by Dr. Van Pelt to revise the Section XII.C. of the Board's accreditation standard to reflect the new standard. This motion was unanimously approved.

f. FYI Items:

The Committee shared with the Board an update regarding the termination of Quality Dental School of Technology's approval and the status of the school's approved teach-out plan.

5. Credentials Committee Report

The following issues were presented to the Board by the Credentials Committee. Below is a summary of the Board's action on each issue. Details regarding each issue are contained in the Committee's report. This report is saved as avo-9463.

a. David Rivera – Initial License Application – Ethics Review:

The Committee reported that Mr. Rivera submitted an application for a New Jersey dental radiologic technology license and answered "yes" to the moral character statement indicating that he was convicted of a crime of State or Federal law. The Committee reviewed Mr. Rivera's past criminal convictions and current rehabilitation. The Committee found that Mr. Rivera submitted sufficient documentation of rehabilitation and has demonstrated that he is currently of good moral character. Since all other requirements for a license were satisfied, the Committee recommended to the Board that Mr. Rivera's application for a license in dental radiologic technology be approved. This recommendation was unanimously approved. Mr. Rivera thanked the Board for issuing him a license.

b. Initial License Application – Educational Program Completion Time Limit:

The Committee asked the Board for its input regarding the following issue:

Currently, an applicant, who is not currently certified by either the ARRT or DANB as a dental assistant, and has completed an educational program independent of when it was completed but has not worked in the profession is eligible for an initial license, provided that the person has passed a recognized licensing examination within the last 5 years.

The Bureau believes that there should be a time limit on recognizing the completion of an educational program and other factors, such as when the licensing examination was taken and recent documented competent work experience should also be considered when issuing an initial license. The Bureau believes that these factors would better ensure the clinical competency of applicants applying for an initial license in all licensure categories.

The Board reviewed Bureau drafted scenarios using the above 3 factors and possible application outcomes. The Board was asked to submit comments to the Bureau by August 31, 2015. The Committee will consider all comments prior to the Board's October 2015 meeting.

c. Examination Application - Program Completion Time Limit:

Similar to the issue in letter "b" above, the Bureau believes that a time limit on recognizing the completion of an educational program should be considered when considering examination eligibility. The Bureau believes that recent documented competent work experience should also be considered. The Board reviewed Bureau drafted scenarios using education and recent documented competent experience and possible application outcomes. The Board was asked to submit comments to the Bureau by August 31, 2015. The Committee will consider all comments prior to the Board's October 2015 meeting.

6. Technologist Education and Licensing Section Report

The following issues were presented to the Board by Mr. Orlandi. Details regarding each issue are contained in the report. This report is saved as avo-9460.

a. Program Changes:

A motion was made by Dr. Timins and seconded by Mr. Cooper to accept the progress reports relating to 5 acting clinical instructors named in the report and to approve them as clinical instructors. This motion was unanimously approved.

b. Technologist Licensure Update:

As of July 22, 2015, there were 20,980 radiologic technologists and 1,062 nuclear medicine technologists (22,042 total technologists) licensed in New Jersey. In FY 2015 (i.e., July 1, 2014 to June 30, 2015) 1,265 initial license applications were processed.

The Board was informed that the Bureau reviewed four initial license applications of ARRT certified graduates of non-JRCERT accredited schools under authority

delegated by the Board and found that the applicants did complete a Board equivalent curriculum in diagnostic radiologic technology. The Bureau issued these applicants licenses. During the review of a fifth applicant, the Board noted that the school advertises to candidates and students that the school was JRCERT accredited when it was not. The Bureau informed the JRCERT. The JRCERT is investigating.

c. 2015-2016 License Renewal Update:

On December 31, 2014, 23,516 licenses expired. Technologists had the option to renew via mail or on-line. 18,742 licenses (80%) were renewed prior to their expiration.

As of July 22, 2015, 20,529 (87%) of technologists have renewed their licenses. 75% were renewed on-line. Below is a table regarding the renewal rate and license status for all licensure categories.

License Category	% Renewed	% Renewed on-line	# Currently Licensed (as of 7/22/15)	Difference in the # currently licensed from the # licensed on 12/31/14
Diagnostic	88%	80%	8,966	-967
Rad. Therapy	84%	82%	785	-121
Dental	88%	72%	11,104	-1,053
Chest	78%	47%	88	-23
Orthopedic	78%	71%	7	-2
Podiatric	86%	43%	30	-5
Nuc.Med.	85%	77%	1,062	-139
TOTAL	87%	75%	22,042	-2,310

Note: There are 2,310 fewer technologists licensed than on December 31, 2014. There are 541 more technologists licensed since the May 2015 meeting report.

d. Technologist Licensure Enforcement Activity Report:

In FY 2015, 7,966 licenses were verified, of which, 51 individuals were found to have been working with either an expired license (18) or no license (33). Additionally, the Bureau conducted 48 licensure complaint investigations.

The Bureau reported that, on July 17, 2015, it began an investigation into a diagnostic radiologic technologist with an expired 2012 license who may have altered his license to reflect a current license to obtain employment and performed CT procedures from May 2014 to January 2015. Based on other information provided by the employer, the Bureau informed the ARRT, since it appears the technologist may have altered his ARRT certification card. The Bureau also informed the New York State Department of Health, since the technologist also worked in New York when his New York license was expired.

e. Update of Sanctioned Technologists:

All sanctioned technologists are in compliance with their Administrative Orders.

f. FYI Educational items:

The Board was informed of changes involving new program directors at two schools of diagnostic radiologic technology and an update regarding the JRCERT awarding eight year accreditation to Bergen County College.

7. Old Business

a. Subchapter 24 Update:

The Commission on Radiation Protection considered the proposed revisions to Subchapter 24 that were approved by the Board at its July 2014 meeting. The Commission made no changes. The proposed rule, summary proposal document and all required briefing memorandums were approved by the Department's Office of Legal Affairs. DAG Dru also reviewed the summary proposal document and rule and submitted comments. DAG Dru was satisfied with the Bureau's response. The proposal will soon be sent to the Governor's office for review. Approval by the Commission and DEP Commissioner Martin are needed before the proposal can be published in the New Jersey Register.

b. A3763

There was no update since the May 2015 report.

This Bill was introduced into the New Jersey Assembly on October 2, 2014. The Bill would amend and rename the Radiologic Technologist Act to Medical Imaging Technologist Act and create a new licensure category in Magnetic Resonance Imaging. The Bill would also rename the Board to the Medical Imaging Technology Board of Examiners. The Bill is in the Assembly's Regulated Professions Committee. The status of this bill can be tracked at: www.njleg.state.nj.us/Default.asp

8. New Business:

2016 Meeting Schedule:

The Board drafted its 2016 meeting schedule. The Board will continue to meet on alternating Wednesdays and Thursdays. Draft meeting dates are: February 3, 2016 with an inclement weather make-up date of February 10, 2016, May 12, 2016, July 20, 2016 and October 27, 2016. The draft schedule will be sent to all Board members for

comments. The Board's approved 2016 meeting schedule will be announced at its October 2015 meeting.

9. Public Comments

There were no public comments.

10. Closed Session #1

A resolution to allow the Board to enter into closed session was read and unanimously approved. Closed session was deemed necessary to discuss four items. The first two items relate to the license applications of Ms. Maria Cornman and Ms. Jacquelyn Meyers, since discussion of this matter in open session might constitute an unwarranted invasion of their individual privacy which is protected under HIPAA. The last two items relate to items 4 and 5 of the Credentials Committee Open Session Report requiring the exercise of the attorney-client privilege between DAG Dru and the Board, and were discussed during the second closed session. The Board remained in the first closed session from 11:04 am to 11:53 am.

a. Maria Cornman – Initial License Application – Ethics Review:

Upon return to open session, the Committee reported that Ms. Cornman was convicted of crimes involving moral turpitude in violation of N.J.S.A. 26:2D-34(a)2. Provided that, by September 3, 2015, Ms. Cornman can submit proof from her probation officer or the court documenting that she is compliant with probation and that the court sentences will be completed in November 2015, the Committee recommended to the Board that it recommends to the Commission approval of Ms. Cornman's application under the following sanction conditions: (1) Ms. Cornman continues to comply with the terms of her probation; and (2) Ms. Cornman submits proof of probation completion to the Bureau by December 20, 2015 and notifies the Bureau, within 15 business days, of any change in probation or employment. However, if proof of Ms. Cornman's compliance with probation or if the scheduled completion date of the court sentences is not submitted by September 3, 2015, the Committee recommended that Ms. Cornman's application be denied. This recommendation was unanimously denied.

A motion was made by Mr. Orlando and seconded by Dr. Timins that the Board finds Ms. Cornman was convicted of crimes involving moral turpitude in violation of N.J.S.A. 26:2D-34(a)2. Since Ms. Cornman is compliant with the terms of her drug court probation and has submitted sufficient evidence of rehabilitation, the Board recommends to the Commission approval of Ms. Cornman's application under the following sanction conditions: (1) Ms. Cornman continues to comply with the terms of drug court probation and (2) Ms. Cornman submits probation reports regarding the status of her drug court probation every two months and notifies the Bureau, within 15 business days, of any change in probation or employment. This motion was unanimously approved.

b. Jacquelyn Myers – License Renewal Application - Ethics Review:

Upon return to open session, the Committee reported that Ms. Myers was convicted of crimes involving moral turpitude in violation of N.J.S.A. 26:2D-34(a)2. Since Ms. Myers is compliant with the terms of her probation and has submitted sufficient evidence of rehabilitation, the Committee recommended to the Board that it recommends to the Commission approval of Ms. Myers' application under the following sanction conditions: (1) Ms. Myers continues to comply with the terms of her probation; and (2) Ms. Myers submits proof of probation completion to the Bureau and notifies the Bureau, within 15 business days, of any change in probation or employment. This recommendation was unanimously approved.

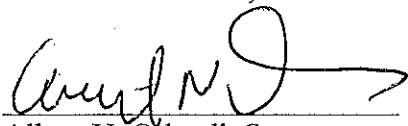
11. Closed Session #2

A resolution to allow the Board to again enter into closed session was read and unanimously approved. Closed session was deemed necessary to discuss items 4 and 5 of the Credentials Committee Open Session Report requiring the exercise of the attorney-client privilege between DAG Dru and the Board. The Board remained in closed session from 12:01 pm to 12:27 pm.

Upon return to open session, the Board reviewed item 4 of the Credentials Committee Open Session Report and the two types of license sanction documents that were approved by the Board at its August 2014 meeting. The Board was asked to submit comments to the Bureau by August 31, 2015. The Committee will consider all comments prior to the Board's October 2015 meeting.

12. Adjournment

A motion was made by Mr. Cooper and seconded by Dr. Boos to adjourn at 12:35 pm. This motion was unanimously approved. The next regular meeting of the Board will be held on October 29, 2015.



Albert V. Orlandi, Secretary
Radiologic Technology Board of Examiners

2/3/16

Date

My signature indicates that the above minutes of the July 29, 2015 Board meeting are reflective of the activities of such meeting and were approved by majority vote at a subsequent meeting of the Board as indicated by the date above.